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In re Application of
Weinstein et al.
App. No.: 10/566,586
PCT No.: PCT/US04/02064
Int. Filing Date: 28 January 2004
Priority Date: 31 July 2003
Attorney Docket No.: GMU-0001
For: Compositions And Methods For
Treating Or Preventing HIV Infection

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DECISION

This is in response to applicants' response filed 26 April 2007.

DISCUSSION

In a Decision mailed on 02 April 2007, the declaration filed on 16 March 2007 was treated as follows:

In response, applicants have submitted a newly executed declaration document. Review of said declaration reveals that it appears to have been assembled by combining sheets separately signed by each inventor into a single document. This impression is enhanced by counsel's characterization of the declaration as a "complete set of signed declarations." Applicants' attention is drawn to MPEP 201.03, which explains in part that

While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).

Since applicants do not appear to have submitted complete copies of each declaration document, it would not be appropriate to accept the declaration filed on 16 March 2007.

The current response includes three declaration documents, each naming and executed by one of the inventors. Counsel is referred again to MPEP 201.03, which states in part that "each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity." None of the

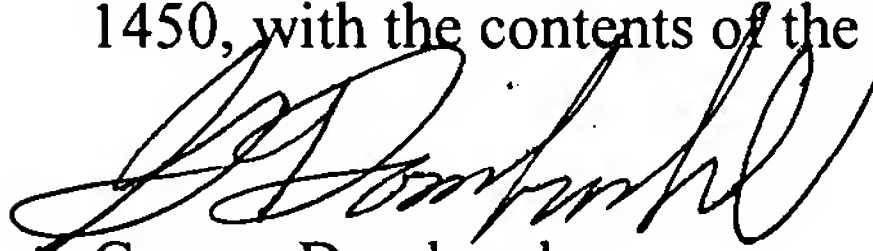
declaration documents filed on 26 April 2007 complies with this practice because none of them nominate the entire inventive entity.

DECISION

The declaration filed on 26 April 2007 is **NOT ACCEPTED**, without prejudice.

Applicants must file an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within the remaining period for response to the decision mailed on 28 February 2007, as extended under CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Mail Stop PCT, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the PCT Legal Office.



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